

REMARKS

This Amendment is responsive to the Office Action mailed January 23, 2009 (hereinafter "Restriction Requirement"). The Restriction Requirement asserted that the pending claims are drawn to two groups of independent and distinct inventions. The groups are:

Group I, claims 30, 32-38 and 40-42, drawn to ophthalmic surgical method using laser pulses, classified in class 606, subclass 4; and

Group II, claims 43-52, drawn to a controller for controlling a surgical laser system classified in class 606, subclass 10.

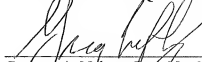
Applicants expressly take no position as to the correctness of the Restriction Requirement. However, Applicants elect Group I, claims 30, 32-38 and 40-42, drawn to ophthalmic surgical method using laser pulses, classified in class 606, subclass 4, because of the administrative requirement that an election be made under 37 C.F.R. § 1.142; MPEP § 818.03(b). Accordingly, claims 43-52 are withdrawn by this Response.

Conclusion

For at least the reasons set forth above, the independent claims are believed to be allowable. In addition, the dependent claims are believed to be allowable due to their dependence on an allowable base claim and for further features recited therein. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicant invites the Examiner to call the undersigned (561-838-5229 x228) if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

NOVAK DRUCE + QUIGG LLP



Gregory A. Nelson, Reg. No. 30,577
Gregory M. Lefkowitz, Reg. No. 56,216
City Place Tower
525 Okeechobee Blvd., Fifteenth Floor
West Palm Beach, FL 33401
(561) 838-5229

Date: May 22, 2009